

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**SUSIE BRAWHAW, BY AND THROUGH
MAGNOLIA HAYS, NEXT FRIEND, FOR
THE USE AND BENEFIT OF SUSIE BRAWHAW,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:06CV194-P-B

MARINER HEALTH CARE, INC., ET AL.,

DEFENDANT.

ORDER

This matter comes before the court upon Defendants' Emergency Motion to Quash Trial Subpoena Issued to Durren Westbrook [167], filed at 4:22 p.m. on the Friday before trial begins on Monday. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

The motion should be denied under the same conditions set forth in the court's previous Order entered this day regarding the defendants' motion to quash the subpoena issued to Roy Solinger. The court admonishes counsel that this is the sort of thing that could be resolved by a telephone call rather than an emergency motion filed just after the court entered an order denying an essentially identical motion.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' Emergency Motion to Quash Trial Subpoena Issued to Durren Westbrook [167] is **DENIED** on the conditions discussed above.

SO ORDERED this the 25th day of July, A.D., 2008.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE